

Draft
Environmental Assessment

Deep Creek Instream Flow

1/5/2018



***Montana Fish,
Wildlife & Parks***

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

- 1. Type of proposed state action: Administrative**
- 2. Agency authority for the proposed action: Montana Fish, Wildlife & Parks**
FWP has statutory authority to acquire water rights (§87-1-209 MCA) and the authority to permanently change water rights to instream flow (§85-2-436 MCA).
- 3. Name, address and phone number of project sponsor (if other than the agency)**
Montana Fish, Wildlife & Parks
1420 East 6th Avenue
Helena, MT 59620
(406) 444-1229
- 4. Anticipated Schedule:**
Estimated Instream Flow Lease Commencement Date: 2018
Estimated Instream Flow Lease Completion Date: 2028
Current Status of Project: Agreements with the landowners are already complete or nearly completed. The temporary changes to instream flow are subject to approval by DNRC.
- 5. Location affected by proposed action (county, range and township – included map):**

The project is located in Broadwater County in Township 6N, Range 2E.

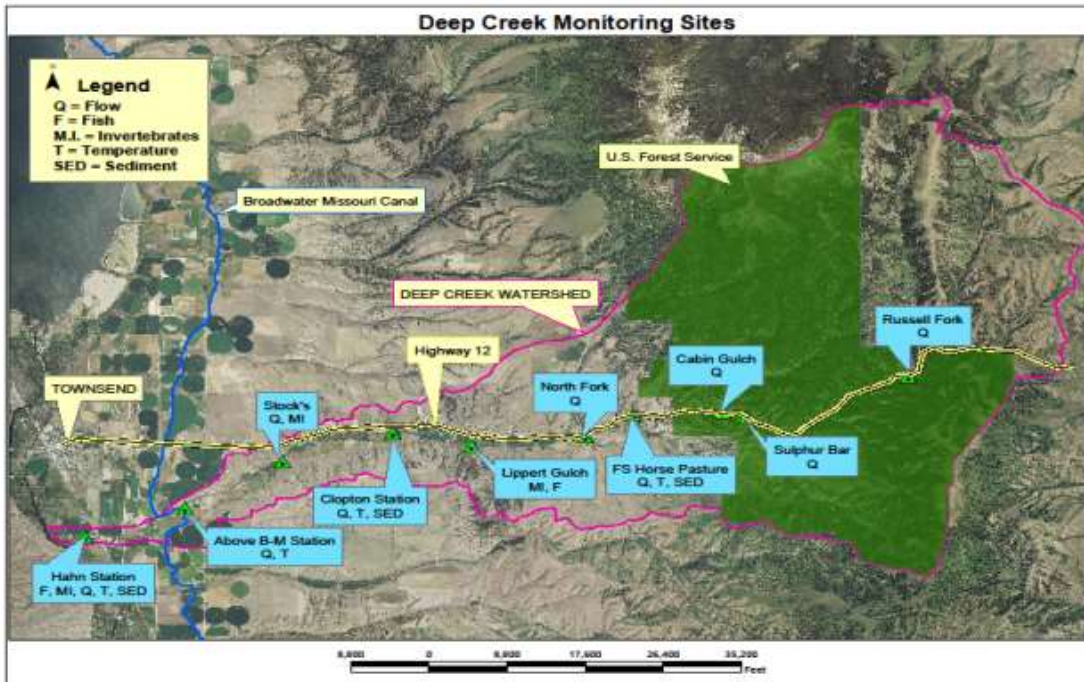


Figure 1: Deep Creek drainage and monitoring sites

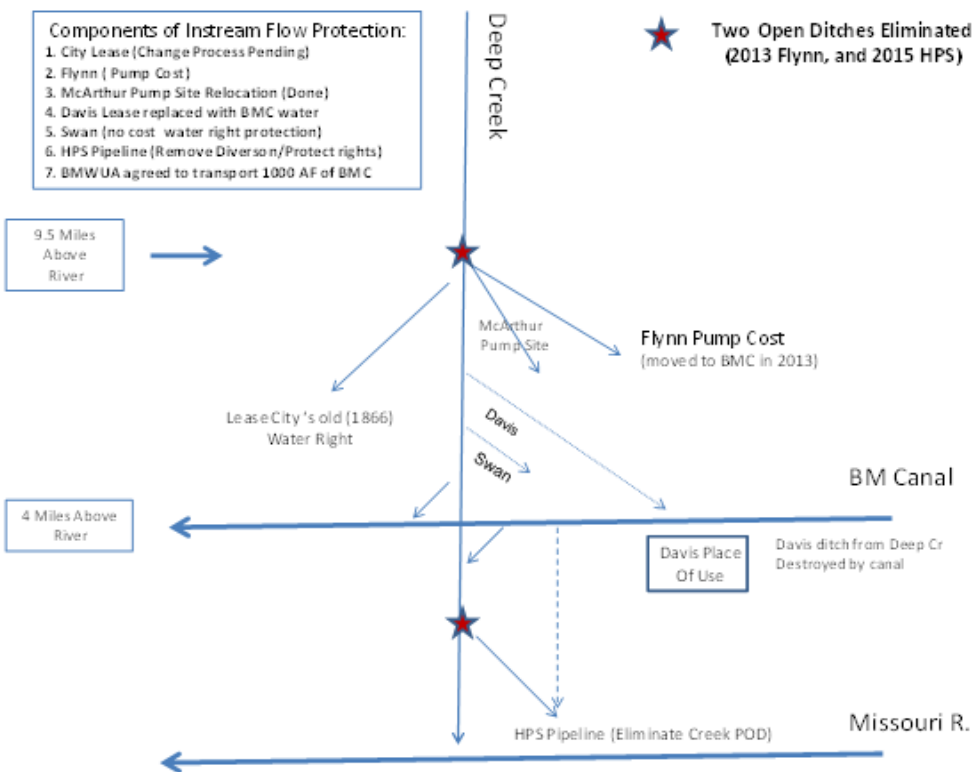


Figure 2. Concept map showing the layout of Deep Creek water savings projects.

6. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0*</u>
(b) Open Space/	<u>0</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

*The amount of presently irrigated cropland will remain unchanged, while the source of water supply will change.

8. **Permits, Funding & Overlapping Jurisdiction.**

(a) **Permits:** permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
DNRC	Water Right Change Application

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Future Fisheries Improvement Program	\$52,960
Montana DNRC State Water Projects Bureau	\$54,000

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
DNRC	facilitates water resources issues

9. **Narrative summary of the proposed action:**

Deep Creek is a tributary to the Missouri River and supports populations of Brown Trout and Rainbow Trout (Broadwater County). Past projects on Deep Creek left additional water in-stream to benefit the fishery. The irrigation improvement projects eliminated the need for two open ditches which caused fish loss, fish passage problems, and streamflow depletion. Water users were assisted to change their water source from ditches to downstream pump sites or moved completely away from Deep Creek to the Broadwater-Missouri Canal (BMC), which originates at the Missouri River. Approved Future Fisheries Improvement Program projects in 2014 (McArthur Pump Site Relocation and Hahn/Price/Scofield Pipeline) were successful in significantly improving flow in Deep Creek. An additional project (Flynn diversion change from Deep Creek to BMC) was funded by the landowner and the NRCS water quality initiative without Future Fisheries assistance. A map of the overall water savings concept is presented in Figure 2.

However, in recent years several junior water users activated old water systems, making the instream flow protection vulnerable. Legally securing water is becoming increasingly important. This project would protect a portion of water generated from several past water savings through instream flow leases. The goal is to legally establish a summer base flow to prevent complete dewatering the stream while maintaining crop irrigation.

Irrigation improvement projects generated approximately 5 to 7 cfs of water savings in lower Deep Creek during the summer irrigation season. This project could maintain a flow of 3 cfs (dry years) and 5 cfs (wet years) in all reaches of Deep Creek for 10 years (2018-2028), which is the duration of FWP instream leases. After 10 years, depending on evaluation results and landowner satisfaction, the leases will be considered for renewal if allowed by law.

10. Description and analysis of reasonable alternatives:

Alternative A: Fund the water lease and secure additional streamflow.

Alternative B: Do not fund the water lease and fail to legally protect instream flow.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The temporary changes to instream flow will need to be approved by DNRC. DNRC will evaluate potential adverse effects to other water users and will condition the temporary change as necessary to prevent adverse effects to other water users.

DPART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Geology and soil quality, stability and moisture				X		
2. Air quality or objectionable odors				X		
3. Water quality, quantity and distribution (surface or groundwater)				X		
4. Existing water right or reservation			X			X
5. Vegetation cover, quantity and quality				X		
6. Unique, endangered, or fragile vegetative species				X		
7. Terrestrial or aquatic life and/or habitats				X		
8. Unique, endangered, or fragile wildlife or fisheries species				X		
9. Introduction of new species				X		

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
into an area						
10. Changes to abundance or movement of species			X			X

4. Existing water right or reservation.

This project does not change water rights of other landowners. It does, however, secure an instream flow lease from water users (see Figure 2). The project is purely administrative, keeping water formerly used for irrigation within the stream. It protects water that has been saved from previous restoration projects.

10. Changes to abundance or movement of species.

This project will have a positive impact on abundance and movement of species, as streamflow recovery has improved the fishery and legal protection of water will provide benefits for 10 years.

B. HUMAN ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Noise and/or electrical effects				X		
2. Land use				X		
3. Risk and/or health hazards				X		
4. Community impact				X		
5. Public services/taxes/utilities				X		
6. Potential revenue and/or project maintenance costs				X		
7. Aesthetics and recreation				X		
8. Cultural and historic resources				X		
9. Evaluation of significance				X		
10. Generate public controversy				X		

PART III. NARRATIVE EVALUATION AND COMMENT

There are no anticipated cumulative effects.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on this current EA, the proposed

action and alternatives:

- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

This level of public notice and participation is appropriate for a project of this scope having limited impacts and is administrative in nature.

PART V. EA PREPARATION

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? NO**
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

We conclude, from this review, that the proposed activities will have an overall positive impact on the physical and human environment, and will therefore not require the extensive analysis associated with an EIS.

- 2. Person(s) responsible for preparing the EA:**

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- 3. List of agencies or offices consulted during preparation of the EA:**

Andy Brummond, Montana Fish, Wildlife & Parks
Ron Spoon, Montana Fish, Wildlife & Parks